IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT APPEAL No.923 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 14-03-2005 in W.P. No.20987 of 2004 on the file of the High Court.)

Between:

1) A. Janga Reddy, S/o. Chenna Reddy,
aged about 80 years, Occ: Agriculture

2) A. Pratap Reddy, S/o. Chenna Reddy,
aged about 76 years, Occ: Agriculture

3) Surrender Reddy, S/o. Late A. Veera Reddy,

aged about 37 years, Occ: Agriculture

4) A. Lakshmi Devi W/o. Late A. Veera Reddy,

aged about 60 years, Occ: Household

5) A. Ramchandra Reddy S/o. Achi Reddy,

aged about 52 years, Occ: Agriculture,

6) A. Veera Reddy S/o. Krishna Reddy,

aged about 44 years, Occ: Agriculture,

7) A. Vital Reddy S/o. Achi Reddy,
aged about 65 years, Occ: Agriculture

8) A.Janga Reddy S/o. Narayan Reddy,

aged about 55 years, Occ: Agriculture,

9) A. Sunitha S/o. Late Sreenivas Reddy,

aged about 38 years, Occ: Agriculture,

10) A. Narasimha Reddy S/o. Narayan Reddy,

aged about 43 years, Occ: Agriculture,

11) A. Yadagiri Reddy S/o. Sankar Reddy,

aged about 57 years, Occ: Agriculture,

12) A. Mutyam Reddy S/o. Sankar Reddy,

aged about 48 years, Occ: Agriculture,

All are R/o. Nagole Village, Uppal Mandal,

Ranga Reddy District.

..... APPELLANTS

AND

1) The Government of Andhra Pradesh,

Rep. by its Secretary, Municipal Administration &
Urban Development, Secretariat, Hyderabad.

2) The District Collector, Ranga Reddy District,

Secretariat, Hyderabad.

3) The Special Grade Deputy Collector &
Revenue Divisional Officer, Ranga Reddy East,
Goshamahal, Hyderabad.

4) Hyderabad Metropolitan Water Supply and Sewerage
Board, Khairatabad, Hyderabad

Respondent No.4 is impleaded as per Court order,

dated 16-12-2004 in W.P.M.P. No.29340 of 2004

.....RESPONDENTS

Counsel for the Appellants: Mr. B. Vijaysen Reddy

Counsel for the Respondents: G.P for Land Acquisition

The Court made the following :

JUDGMENT:(Per Hon'ble Sri Justice B. Sudershan Reddy)

This writ appeal arises out of the order, dated
14-03-2005, made in W.P. No.20987 of 2004.

The appellants herein filed the said writ petition questioning the validity of the draft notification, dated
18-10-2004, purported to have been issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') as well as the draft declaration, dated 20-10-2004, issued by the Government proposing to acquire the lands in question, which admittedly belong to the appellants. The appellants raised number of grounds attacking the validity of the draft notification as well as the draft declaration issued by the Government.

Learned Judge having noted the contention urged for and on behalf of the petitioners that there was no real urgency for dispensing with the enquiry under Section 5-A of the Act and there are *mala fides* on the part of the Government in targeting the petitioners to deprive them of their valuable lands, did not express any specific opinion on the said contention on the ground that the record produced by the respondents during the course of hearing of the writ petition discloses taking possession of the lands in question under panchanama on 17-11-2004 by the respondents. Learned Judge having noticed that the 4th respondent/
Hyderabad Metropolitan Water Supply and Sewerage Board, Khairatabad, Hyderabad, has already deposited an amount of Rs.8,00,00,000/- (Rupees eight crores only) with the
3rd respondent, directed the 3rd respondent to disburse 80% of the estimated compensation to the appellants.

Being aggrieved by the said order, the present appeal has been preferred by the writ petitioners.

Sri B. Vijaysen Reddy, learned counsel for the appellants, reiterated the contentions urged before the learned single Judge. Learned counsel specifically

submitted that Section 5-A of the Act confers valuable rights upon the land owners and the same cannot be dispensed with in a casual and mechanical manner and more particularly in this case since there is no urgency whatsoever for invoking the power under Section 17(4) of the Act, dispensing with the enquiry under Section 5-A of the Act. Learned Government Pleader for Land Acquisition as well as the learned standing counsel for the 4th respondent, initially made an attempt to support the judgment. However, the learned Government Pleader for Land Acquisition on instructions submits that the respondents are willing to consider the objections, if any, to be raised by the appellants and make an enquiry under Section 5-A of the Act.

In such view of the matter, the draft declaration, dated 20-10-2004, issued under Section 6 of the Act, is required to be quashed and the same is accordingly quashed. We need not express any opinion, whatsoever, as regards the validity of the draft notification issued by the Government proposing to acquire the lands in question. The same is now required to be gone into by the competent authority after considering the objections to be raised by the appellants.

In the circumstances, this Writ Appeal is allowed in part by setting aside the draft declaration under Section 6 of the Act, dated 20-10-2004. Consequently, the respondents are directed to issue notice to the appellants and make an enquiry under Section 5-A of the Act, in accordance with law and dispose of the same as expeditiously as possible.

It is made clear that the appellants shall submit their objections pursuant to the notice to be issued by the respondents under Section 5-A of the Act without asking for any further time. The appellants shall cooperate and participate in the enquiry without asking for any adjournment. It is needless to direct the respondents that they shall give an adequate opportunity to the appellants to submit their objections and provide an opportunity of being heard and then dispose of the objections, in accordance with law.

Accordingly, the Writ Petition is partly allowed without any order as to costs.

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B. SUDERSHAN REDDY, J

Date:28-04-2005.

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C.V. RAMULU, J

NOTE:

Furnish certified copy of the order by 29-04-2005.

(**B/O**)

PV

To

1) The Secretary, Government of Andhra Pradesh,

Municipal Administration & Urban Development,
Secretariat, Hyderabad.

2) The District Collector, Ranga Reddy District,

Secretariat, Hyderabad.

3) The Special Grade Deputy Collector &
Revenue Divisional Officer, Ranga Reddy East,
Goshamahal, Hyderabad.

4) Hyderabad Metropolitan Water Supply and Sewerage
Board, Khairatabad, Hyderabad

5) Two C.Cs. to G.P. for Land Acquisition, High Court of A.P., Hyderabad (O.U.T.)

6) Two C.D. copies.